

\*\*E-Filed 5/3/2010\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JOSE R. CARNERO, et al.,

**Plaintiffs,**

V.

LUKE WEAVER, et al.,

## Defendants.

Case Number C 09-1995 JF (PVT)

**ORDER GRANTING IN PART  
PLAINTIFFS' REQUEST TO RESET  
HEARING DATE**

On April 28, 2010, Plaintiff Marta Carnero telephoned chambers staff to request that the May 14, 2010 hearing date on Defendants' motions to dismiss and strike be continued; Ms. Carnero stated that Defendants had not cleared the hearing date with Plaintiffs and that she and her husband would be on vacation on May 14. Chambers staff emailed Defendants' counsel to ask for a response to Plaintiffs' request; Plaintiffs were copied on the email. Counsel for both moving Defendants responded by email, objecting to continuance of the hearing date. Plaintiffs also filed a written request to continue the hearing date until June 18 or June 25. Defendant Barclays Capital Real Estate, Inc. filed opposition to that request on April 29.

While the Court is sympathetic to Defendants' frustration at the lateness of Plaintiffs' request, it is not clear that the hearing date in fact was cleared with Plaintiffs. Moreover,

1 Plaintiffs are proceeding *pro se*. Accordingly, while the Court is not inclined to grant a  
2 continuance of the length requested by Plaintiffs, the Court will grant a two-week continuance, to  
3 May 28, 2010 at 9:00 a.m. Plaintiffs may file opposition to the motions to dismiss and strike on  
4 or before May 14, 2010; any such opposition shall explain why Plaintiffs failed to file opposition  
5 on or before April 23, 2010 as required under the Court's Civil Local Rules. Defendants may file  
6 replies on or before May 21, 2010.

7 IT IS SO ORDERED.  
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10 Dated: May 3, 2010  
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13 JEREMY FOGEL  
United States District Judge  
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